

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

POLYSCIENCES, INC.

Plaintiff,

v.

JOSEPH T. MASRUD,

Defendant.

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Civil Action No. 2:20-cv-03649-PBT

**PLAINTIFF’S REPLY IN SUPPORT OF ITS
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA**

Plaintiff Polysciences, Inc. (“Polysciences”) submits this reply to address various misstatements of Mathew Griffin in describing exchanges with Polysciences and counsel regarding the subpoena in question. Polysciences believes it important for the Court to receive an accurate description of the significant meet-and-confer efforts undertaken by Polysciences, and that an accurate understanding of the issues at hand underscores the necessity of compelling Mr. Griffin’s compliance with the subpoena.

Since issuing the subpoena on August 28, 2020, by phone, email, or otherwise, counsel for Polysciences have spent over 11 hours on 14 different dates conferring with Mr. Griffin’s counsel or Mr. Griffin himself (after he terminated his counsel's representation) regarding subpoena and Mr. Griffin’s assorted concerns and objections to complying with it. This does not include briefing related to the current motion. Polysciences followed this extraordinarily patient approach in light of Mr. Griffin’s *pro se* status. Much of this background is detailed in Polysciences’ motion to compel Mr. Griffin’s compliance with the subpoena. *See generally* Dkt. No. 26.

Polysciences only filed the current motion when it became clear that its extraordinary patience would not lead to a resolution. And yet, Mr. Griffin accuses Polysciences of bad faith.

Mr. Griffin claims that his documents duplicate those produced by Mr. Masrud, yet his initial production included incriminating text messages with Mr. Masrud that Mr. Masrud omitted. Mr. Griffin admits that his computer likely still contains Polysciences' confidential and proprietary information, yet he refuses to turn it over for forensic examination. Mr. Griffin complains about the cost and time associated with reviewing ESI from his computer for production, yet he declines Polysciences' offer to accept production of his computer for forensic review at Polysciences' cost. He has admitted to possessing information directly relevant to the misappropriation claims at issue, yet hides behind assertions of confidentiality of Serochem LLC, which he and Mr. Masrud formed for the purpose of competing with Polysciences with misappropriated trade secrets and confidential information.

The bottom line is that Mr. Griffin and his colleague Mr. Masrud seek to paint a false narrative of oppression by Polysciences when the reality is that they both participated in the misappropriation of Polysciences' trade secrets and confidential information. It is no coincidence that both Mr. Griffin and Mr. Masrud's partnership extends to falsely accusing Polysciences of bad faith and dragging their feet on discovery.

With neither the facts nor the law supporting their position, Mr. Griffin and Mr. Masrud falsely accuse Polysciences of bad faith while seeking to avoid as much as possible producing materials that evidences their misappropriation. Enough is enough. Polysciences respectfully requests that the Court compel Mr. Griffin to comply with the subpoena.

Dated: January 19, 2021

Respectfully submitted,

/s/ Eric E. Reed

Eric E. Reed

Fox Rothschild LLP

2000 Market Street, 20th Floor

Philadelphia, PA 19103

(215) 299-2741 - direct

(215) 299-2150 - fax

EReed@foxrothschild.com

Attorneys for Plaintiff Polysciences, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the below date, he filed the foregoing with the Court using the ECF system, which will provide notice and a copy to counsel of record.

Date: January 19, 2021

/s/ Eric E. Reed